

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held July 3, 2007

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:37 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; and Steven Stine, Township Solicitor.

**Pledge of Allegiance**

Mr. Blain led in the recitation of the Pledge of Allegiance.

**Approval of Minutes**

Mr. Blain made a motion to approve the May 29, 2007 business meeting minutes as presented. Mr. Seeds seconded the motion, and a unanimous vote followed.

**Public Comment**

Mr. Chris Kinsinger, 5811 D Hidden Lake Drive, explained that on March 4, 2007, at 10:15 a.m., he and his wife were driving to church and hit a major pothole with his vehicle on Old Jonestown Road. He noted that on Monday, March 5, 2007, he secured an estimate to fix the damages to his vehicle in the amount of \$2,500; \$1,400 of which he paid to make the vehicle operational. He noted that an additional \$1,100 amount of work needs to be completed.

Mr. Kinsinger noted that the Township requested him to place a claim for the damage with their insurance provider, and on March 27, 2007, his claim was denied. He noted that, at the

time he completed the claim, he was told that seven other persons reported damage to their vehicles for the same date.

Mr. Kinsinger noted that he sent a letter dated March 27, 2007 to the Township seeking payment for the damages to his vehicle. He suggested that a pothole of that magnitude does not occur over night. He noted that on April 30<sup>th</sup>, he received a response from Mr. Wolfe explaining that the Township is protected from paying such claims under the Pennsylvania Political Subdivision Tort Claims Act. He suggested that any law that is so rigid so as to not provide for the occasional extreme exception is not a good act.

Mr. Kinsinger explained that he requested the names of the other persons who filed claims with the Township and was denied this information. He explained that he was present to inform the Board members that he would not let this issue rest. He noted that he would do whatever he could to get recompense for the damage to his vehicle. He noted that he would be willing to take this to the newspapers to seek the names of the other persons whose vehicles were damaged by the pothole. He explained that he spent 15 years doing a weekly study with the House of Representatives at the Capital, and he knows some people who might be able to help him with this issue. He noted that if the Township makes it right with him, he will be quiet and go away; otherwise he is prepared to do whatever he needs to do to get restitution.

Mr. Hornung questioned if Old Jonestown Road is a State Road or Township Road. Mr. Wolfe answered that it is owned by the Township.

Mr. Stephen Johnson, 6705 Conway Road, noted that he wanted to respond to the letter he received from Mr. Wolfe in response to the residents' of the Hodges Heights Community petition presented at a May Board meeting regarding the noise and other nuisances from the Compost facility at the Township's landfill. He stated that he did not appreciate the tone of the letter.

Mr. Johnson explained that he addressed the issue of the mosquitoes and ponding water at the sight. He noted that the Township has been trying to take care of this issue, but he explained that the water ponds behind the windrows, and is not observed by Township personnel. He noted that, in the past, there had been little tadpoles and mosquito larvae in those ponds. He noted that Mr. Wolfe stated in his letter that staff had not observed periods of prolonged standing water, and as a result, the facility does not serve as a significant breeding ground for mosquitoes. He suggested that it is impossible to know what mosquitoes carry the West Nile Virus in ponding water, and he wanted to restate this outstanding issue.

Mr. Johnson noted that the Township has reduced the dust, but the residents still deal with the noise. He noted that this continues to be a major issue.

Mr. Johnson noted that the letter stated that the Township is not in a position to close the compost facility at the landfill as it is required to provide the composting of leaf waste as per the Commonwealth Act 101 of 1998. He responded that the Department of Environmental Protection (DEP) requires that townships, and cities, of a certain size must provide some type of compost facility. He noted that this requirement may not necessarily have to be a compost facility, but rather, a means to pick up the compost from the residents. He suggested that, once a month, Waste Management could be contracted to pick up leaf waste. He suggested that this would be the better alternative, and although he did not know what the cost would be for this service, he suggested that the Township would save money on this service. He suggested that the service provider for leaf waste could provide a location for a leaf waste drop off other than the land fill. He noted that it would remove this problem from his back yard and he would not need to deal with the noise. He suggested that there should be alternative ways to deal with this issue, and the current way is not the only means to resolve the leaf waste issue. He noted that he does not want this situation shoved down his throat, nor does he want to deal with the noise, and he

feels that this is what the Township is telling him. He stated that he does not have any peace and quiet in his own neighborhood due to the fact that the trucks and grinder machine start making loud noises at 7 a.m. (Mr. Johnson proceeded to play a tape of the noise recorded from his bedroom window for equipment that was operating six houses from his.) He explained that he hears this noise every morning. He noted that the Township has discussed installing sound barriers, and recently the Township leveled the ground behind his home, but he noted that this is the noise that he has to listen to while watching television or while attempting to sleep due to his shift work.

Mr. Johnson noted that he is okay with the relocation of Conway Road to the rear of his property, and with the construction barrier for the road, but he questioned if it would solve the noise problem.

Mr. Hawk questioned if the recording noise was from a truck. Mr. Johnson noted that it is from the trucks that are backing up at the landfill. He noted that you can also hear the noise from the grinder machine. He noted that he did not know if the mounding of dirt would help to muffle the sound, but he suggested that trees could be planted to help with this also. He noted that Act 101 takes care of the Township, but West Hanover Township has also been using the Compost facility. He suggested that the facility is getting larger and larger.

Mr. Lawrence Gaiski, 4501 Egrit Drive, noted that he previously addressed the Board members during a May 2006 business meeting requesting information on who is responsible for constructing the sidewalks in Chelsey Falls. He noted that he, along with three other residents of the development sent a letter to Mr. Wolfe and received a timely reply. He noted that Mr. Wolfe informed him that the developer was responsible for installing the sidewalks, and was told that the developer could be granted an extension to complete the improvements for up to a year. He

noted that he sent a letter to Bottom Line Construction and they insist that they are not responsible for the construction of the sidewalks.

Mr. Gaiski distributed to the Board members pictures depicting the erosion problems that are occurring in the development. He noted that photograph one shows the drain located on his property, and that it is not working because the water is washing down the roadway, and the silt is eventually flowing onto Goose Valley Road. He noted that the drains are clogged, and the sidewalks are not installed. He noted if the sidewalks were installed, then the water flow would be tapered toward the drain. Mr. Hawk questioned if the developer was granted an extension. Mr. Wolfe noted that the developer has not been granted an extension, but would be before the Board in the near future requesting an extension.

Mr. Gaiski noted that, after the last heavy rainfall, it totally eroded out the area, and Bottom Line Construction installed a silt fence to prevent flooding onto Goose Valley Road this week. He noted that it is a hardship for the existing property owners, and he explained that some may want to sell their homes, and are unable to do so due to the unfinished work and the erosion problems. He noted in the beginning, when the work was first started, he called DEP to report the erosion problem. As a result, the developer was told to install silt fencing or pay a fine. He noted that the developer put a silt fence within a day, but a year later, the silt fences are getting full, and the straw bails are totally saturated with mud and silt. He explained that he is talking about 1,380 feet of sidewalk that needs to be installed, and he understands that sidewalks are normally the last item constructed in a development. He requested that the sidewalks be installed for the existing residents to help maintain the value of their property, and requested the Board members not to extend the guarantee until the improvements are made.

Mr. Hawk requested staff to research the expiration date for the agreement and determine what needs to be done.

Mr. Blain questioned if the actual agreement with the developer states that the existing homeowners would be provided sidewalks or if it was just for the new homes. Mr. Wolfe noted that sidewalks are shown on the subdivision plan and the developer is responsible to install the sidewalks indicated on the plan. Mr. Blain noted that the developer is telling Mr. Gaiski, and the other four existing residents that he is not responsible for installing sidewalks on their property. Mr. Wolfe noted that he would check into this. Mr. Blain suggested that the developer should be contacted and made aware that he is responsible for installing those sidewalks. Mr. Gaiski noted that the developer installed the streets and the sewer lines and the residents thought that they would have their sidewalks installed at that time. He noted that if the sidewalks are not going to be installed in the near future, then he needs to address his erosion problems.

Mr. Hornung questioned who the developer was. Mr. Gaiski answered that it was Bottom Line Construction.

#### **Chairman & Board Members' Comments**

None was presented.

#### **Manager's Report**

Mr. Wolfe noted that the fireworks for Lower Paxton Township will be held Saturday, July 7<sup>th</sup> at 9:15 p.m. at Koons Park. The fireworks are sponsored by the Linglestown Fire Company and the Township.

#### **OLD BUSINESS**

##### Change Orders Nos. 8, 9, & 10 for the Friendship Center East Annex construction project

Mr. Wolfe explained that the total amount for the three change orders is \$4,565.89, and they were the result of minor changes that were part of the project close out and punch list items.

He explained that it is staff's recommendation to approve these three change orders, noting that the work is now completed for the East Annex at the Friendship Center.

Mr. Blain made a motion to approve Change Order #8 for \$2,669.53, Change Order #9 for \$1,236.16, and Change Order #10 for \$661.20 as it relates to the remaining work that was completed at the East Annex at the Friendship Center. Mr. Seeds seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

### **NEW BUSINESS**

#### Resolution 07-28; Amending the Township's Procurement Procedures

Mr. Hawk noted that this resolution increases the minimum threshold at which purchasing price quotations are required from \$500.00 to \$1,000.00.

Mr. Wolfe explained that the Township has established a purchasing policy that is very detailed and more restrictive than what is required by Pennsylvania law. He noted that by State law, the Township is required to obtain telephonic price quotations for items that cost \$5,000 or more. He noted that when the Township's procurement policies were adopted in 1991, and amended in 1995, a minimum level of \$500 was set by which staff must obtain price quotations for the purchase of items. He noted that this amount has not been amended in over 12 years, and with the rate of inflation, the Township Department Directors requested that this amount be increased from \$500 to \$1,000. He noted that the Directors have their staff spending an inordinate amount of time securing price quotes for small items.

Mr. Blain noted that the \$1,000 amount is very reasonable and consistent with many organizations and privately owned companies.

Mr. Blain made a motion to approve Resolution 2007-28, amending the Township procurement procedures to increase the purchase price quotation from \$500 to \$1,000. 00. Mr.

Hornung seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 07-29; Authorizing the submission of a CDBG application to Dauphin County for the Winfield Street storm sewer project

Mr. Wolfe explained that the Community Development Block Grant (CDBG) program provides funding, typically, equal to a match for a governmental entity for programs that primarily benefit low and moderate income families. He noted that the Winfield Street area is part of a capital improvement program for both storm and sanitary sewers. He noted that this area has flooded numerous times to the point that basements and yards have flooded, and at some point, Winfield Street has become a small stream. He noted that the work to be completed as part of this program will be completed by the Public Works Department and the grant request is for \$171,400 from the CDBG program to cover the material costs associated with the project. He noted that the Township's cost would be 50% of these costs. He stated that, if the Board so desires, the CDBG will be submitted to the Dauphin County Commissioners for action as part of their annual competitive program. He noted that it is his request that the Board authorize submission at this time.

Mr. Blain made a motion to approve Resolution 2007-29, authorizing the submission of a CDBG application to Dauphin County for the Winfield Street Storm Sewer project in the amount of \$171,400.00. Mr. Hawk seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Supplement C to the agreement with Arora and Associates, PC for engineering and design services associated with the Linglestown Square Project

Mr. Wolfe explained that this is a request for an additional amount to the contract between Arora and Associates in the amount of \$135,634.04. He noted that, as part of this



request for Supplement C, it is necessary to submit this to PENNDOT for review and approval as well. He noted that the determination from PENNDOT for the Linglestown Square Project is that the right-of-way area outside of the existing right-of-way for Linglestown Road, and commonly referred to a “public square” needs to be acquired, by the Township, prior to the start of the construction. He noted that this was somewhat contrary to what the Township’s assumption was years ago when the initial scoping was completed and placed on the PENNDOT Four-Year Program. He noted that, under the transportation program, there is currently \$40,000 allotted for right-of-way acquisition; however, when right-of-way is needed for areas that are considered part of the “public square” area, the number of parcels affected increases substantially. He explained that approximately 100 properties are affected by this acquisition.

Mr. Wolfe explained that the work to be performed by Arora and Associates would cover the engineering to prepare the plot plans and descriptions for the 100 properties in the amount of \$40,000. In addition, the vast majority of services provided by this supplement would go to a contractor who will conduct appraisal services in the amount of \$96,725.00, to comply with the federal acquisition procedures for acquiring strip takes, temporary right-of-ways, and the right of way from the six primary affected properties. He noted that the price of acquisition has increased substantially to acquire “public square” area, and the cost to acquire the right-of-way as required by the federal procedures.

Mr. Wolfe requested the Board to authorize Supplement C to PENNDOT for review and approval.

Mr. Hawk suggested that the property appraisal is a very high amount. Mr. Wolfe explained that the initial estimate was roughly \$300,000, but as a result of detailed negotiations with the appraisers on the PENNDOT approved list, the price was lowered substantially. He

noted that PENNDOT has stepped forward and assumed a good portion of the appraisal review effort using in-house staff.

Mr. Hornung made a motion to approve the Supplement C request for the Linglestown Corridor Improvements with Arora and Associates in the amount of \$135,634.04. Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 07-30; Accepting the recommendation of the Friendship Operating Board to incorporate the HESCAC grant funds into the Township's Friendship Center Financial Assistance Program

Mr. Wolfe explained that when the Harrisburg East Senior Citizens Action Committee (HESCAC) folded after the completion of the construction of the Friendship Center (FC), there were funds remaining in the amount of \$16, 642.58 that they gave to the Township to be used to establish an escrow fund for financial assistance. He explained that the funds were significantly restrictive and very little of the HESCAC funds have been used. He noted that the Township's financial assistance program that had been funded through other sources had been the primary source of assistance to individuals who need financial assistance to participate in programs and memberships at the Friendship Center.

Mr. Wolfe noted that since HESCAC does not exist anymore, and the funds are not being used as the initial endowment called for, it is the Friendship Center Operating Board's request that the Township authorize the incorporation of the HESCAC funds into the Friendship Center's Financial Assistance Program, and to be dispersed in accordance with this program.

Mr. Seeds noted that since HESCAC does not exist anymore, there is no one to discuss this change with. He noted that the funds have grown from \$16,642.58 to \$24,000. He noted that the funds have been invested well.

Mr. Wolfe noted that Mrs. Sandy Prah1 was the chairperson of HESCAC, and is a current member of the Friendship Center Operating Board and is aware of this action.

Mr. Seeds made a motion to approve Resolution 2007-30, accepting the recommendation of the Friendship Operating Board to incorporate the HESCAC grant funds into the Township's Friendship Center Financial Assistance Program. Mr. Hawk seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary /final subdivision and land development plan for Patton Place, LLC

Mr. Wolfe explained that the purpose of this plan is to revise the previously approved Patton Place Final Land Development Plan by relocating the access easement to the former Leibenson property, to add an additional 2,167 sq. ft. to the tract, and add 23 additional automobile parking spaces. He noted that this change would adjust the western lot line for Lot 3 in Patton Place, expanding the size of the lot from 2.92 acres to 2.96 acres. He noted that this would provide for additional parking for the Patton Place lot which makes their parking more desirable and useful.

Mr. Wolfe noted that on June 13, 2007 the Planning Commission recommended approval of the plan. He noted that there are no engineer conditions for this plan, and staff has provided no comments other than the following site specific condition that, under Zoning Requirements, delete the asterisks under the building and landscape setbacks, and the general conditions for all plan approvals.

Mr. Wolfe noted that this plan is complete for Board action this evening.

Mr. Seeds noted that the second site specific comment is not necessary since HRG's listed, in their letter dated June 28, 2007, that all comments have been adequately addressed.

Mr. Seeds questioned if this change would have an impact to any of the neighbors bordering the project. Mr. Wolfe answered that it does not affect anyone bordering the rear lot line, and Ms. Wissler had made contact with Mr. Henken to inform him of this change.

Mr. Seeds made a motion to approve the revised final subdivision and land development plan 2007-03 for Patton Place, LLC with the following site specific and general conditions: 1) Under Zoning Requirements, delete the asterisks under the building and landscape setbacks; 2) Plan approval shall be subject to providing original seals and signatures; 3) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 4) Plan approval shall be subject to the Dauphin County Conservation District's review and approval of an Erosion and Sedimentation Control Plan; and 5) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design.

Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

### **IMPROVEMENT GUARANTEES**

Mr. Hawk noted that there were two Improvement Guarantees for consideration.

#### **Commerce Business Park, Lot E**

A reduction in a letter of credit with Graystone Bank in the amount of \$19,250.00 with an expiration date of December 1, 2007.

#### **David Punt – 6009 Jonestown Road**

An extension and increase in a bond with State Farm Fire and Casualty Company in the amount of \$40,188.50 with an expiration date of August 3, 2008.

Mr. Blain made a motion to approve the two listed Improvement Guarantees. Mr. Seeds seconded the motion, and a unanimous vote followed.

### **Payment of Bills**

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Blain seconded the motion, and a unanimous vote followed.

### **Announcements**

Mr. Hawk noted that the fireworks will take place at Koons Park on Saturday, July 7<sup>th</sup> at 9:15 p.m.

### **Adjournment**

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Seeds seconded the motion, and the meeting adjourned at 8:28 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman  
Township Secretary